

- (8) Special car;
- (9) Caboose car;
- (10) Tank car; and
- (11) Yard car.
- (d) *Dedicated service* means the exclusive assignment of cars to the transportation of freight between specified points under the following conditions:
 - (1) The cars are operated—
 - (i) Primarily on track that is inside an industrial or other non-railroad installation; and
 - (ii) Only occasionally over track of a railroad;
 - (2) The cars are not operated—
 - (i) At speeds of more than 15 miles per hour; and
 - (ii) Over track of a railroad—
 - (A) For more than 30 miles in one direction; or
 - (B) On a round trip of more than 60 miles;
 - (3) The cars are not freely interchanged among railroads;
 - (4) The words “Dedicated Service” are stenciled, or otherwise displayed, in clearly legible letters on each side of the car body;
 - (5) The cars have been examined and found safe to operate in dedicated service; and
 - (6) The railroad must—
 - (i) Notify the FRA in writing that the cars are to be operated in dedicated service;
 - (ii) Identify in that notice—
 - (A) The railroads affected;
 - (B) The number and type of cars involved;
 - (C) The commodities being carried; and
 - (D) The territorial and speed limits within which the cars will be operated; and
 - (iii) File the notice required by this paragraph not less than 30 days before the cars operate in dedicated service;
 - (e) *In service* when used in connection with a railroad freight car, means each railroad freight car subject to this part unless the car:
 - (1) Has a “bad order” or “home shop for repairs” tag or card containing the prescribed information attached to each side of the car and is being handled in accordance with §215.9 of this part;
 - (2) Is in a repair shop or on a repair track;

- (3) Is on a storage track and is empty; or

- (4) Has been delivered in interchange but has not been accepted by the receiving carrier.

(f) *Railroad* means all forms of non-highway ground transportation that run on rails or electromagnetic guideways, including (1) commuter or other short-haul rail passenger service in a metropolitan or suburban area, and (2) high speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads. Such term does not include rapid transit operations within an urban area that are not connected to the general railroad system of transportation.

(g) *State inspector* means an inspector who is participating in investigative and surveillance activities under section 206 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435).

[44 FR 77340, Dec. 31, 1979, as amended at 45 FR 26710, Apr. 21, 1980; 54 FR 33228, Aug. 14, 1989]

§215.7 Prohibited acts.

Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least \$250 and not more than \$10,000 per violation, except that: Penalties may be assessed against individuals only for willful violations, and, where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed \$20,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See appendix B to this part for a statement of agency civil penalty policy.

[53 FR 28599, July 28, 1988, as amended at 53 FR 52925, Dec. 29, 1988]

§215.9 Movement of defective cars for repair.

- (a) A railroad freight car which has any component described as defective in this part may be moved to another